

**MINUTES OF THE COURT OF APPEAL
SECOND APPELLATE DISTRICT
STATE OF CALIFORNIA**

December 28, 1999

DIVISION ONE

B132275 People (Not for Publication)
v.
Brizuela

The judgment revoking defendant's probation and imposing sentence is reversed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B130918 People (Not for Publication)
v.
Garcia

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B126458 People (Not for Publication)
v.
Pugh

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

December 28, 1999-Continued

DIVISION ONE (Continued)

B123975 Banks, etc. (Not for Publication)
v.
Nafta Wholesale, Inc., et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

[illegible]

The judgment is modified to reflect the imposition of a \$500 restitution fine and a \$50 lab analysis fee. As so modified, the judgment is affirmed. The clerk of the trial court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

B119964 Osborn, Nelson & Carr Portable X-Ray, Inc. (Not for Publication)
v.
MRB Consulting Service et al.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

[illegible]

The judgment is modified so as to impose a \$200 restitution fine under Penal Code section 1202.4, subdivision (b) and a \$200 fine under Penal Code section 1202.45, the latter to be suspended unless defendant's parole is revoked. The abstract of judgment is to be amended to reflect these fines and the suspension of the latter fine. In all other respects, the judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

[illegible]

The Court:

The judgment is modified to provide that a \$200 fine is imposed pursuant to Penal Code section 1202.4, subdivision (b), and that another \$200 fine is imposed pursuant to Penal Code section 1202.45, with the latter fine suspended unless and until appellant's parole is revoked. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

December 28, 1999-Continued

DIVISION TWO (Continued)

B130867 People v. Raya (Not for Publication)

The Court:

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to correctly reflect the fines imposed pursuant to sections 1202.4 and 1202.45 of the Penal Code.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B123071 Madjarou (Not for Publication)
v.
Homebase Warehouse, Inc.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B131348 Greenfield (Not for Publication)
v.
Hashim

The judgment is affirmed. Respondent is awarded costs on appeal. Additionally, the matter is remanded for the trial court to award respondent attorney fees on appeal as well as for that further trial court proceeding.

Nott, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B124139 People (Not for Publication)
v.
Harvey

The Court:

The judgment is modified to reflect a parole revocation fine of \$1,600 pursuant to Penal Code section 1202.45, that fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to so reflect. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION THREE

B126554 People (Not for Publication)
B131921 v.
Stewart

The judgment is modified to impose the following fines, fees, and assessments: a \$200 restitution fine (1202.4, subd. (b)); a \$200 suspended parole revocation fine (1202.45); a \$50 laboratory analysis fee (Health & Saf. Code, 11372.5, subd. (a)); a \$50 state penalty assessment (1464); and a \$35 county penalty assessment (Gov. Code, 76000). In all other respects, the judgment is affirmed. Stewart's petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B123868 People (Not for Publication)
v.
Crummer

The judgment is affirmed.

Schneider, J. (Assigned)

We concur: Croskey, Acting P.J.
 Kitching, J.

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The judgment is modified to reflect a suspended parole revocation fine in the amount of \$2,000. (1202.45.) The abstract of judgment shall be further corrected to reflect the \$2,000 restitution fine imposed by the trial court. The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, Acting P.J.

We concur: Croskey, J.
 Schneider, J. (Assigned)

DIVISION FOUR

B125251 Victor (Certified for Publication)
v.
Hedges and Thermtech, Inc.

The judgment is affirmed. Defendants shall recover their costs.

Dau, J. (Assigned)

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B114226 Ali (Certified for Publication)
v.
City of Los Angeles

The judgment is affirmed. Plaintiff Ali's cross-appeal from the judgment is dismissed as moot. Costs on appeal are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur: Curry, J.
Dau, J. (Assigned)

B130568 Hagan (Not for Publication)
v.
Love

We affirm the order denying the objection to the petition for distribution.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Dau, J. (Assigned)

B128628 Velasquez (Not for Publication)
v.
Clark et al.

The order quashing service of summons as to respondent Clark is affirmed. The order dismissing respondent Riviera is also affirmed. Respondents are awarded costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B128912 Rothstein et al. (Not for Publication)
 v.
 Cannoles et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B124399 People (Not for Publication)
 v.
 Perez & Delatorre

As to appellant Perez, the judgment is modified to include an additional restitution fine of \$1,000 which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to send a corrected abstract of judgment to the Department of Corrections.

As to appellant Delatorre, the judgment is affirmed. The clerk of the superior court is directed to amend the abstract of judgment to reflect the additional restitution fine of \$10,000 which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45, and to send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FOUR (Continued)

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The judgment is modified to include an additional restitution fine of \$200 which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Curry, J.
Dau, J. (Assigned)

B127693 People (Not for Publication)
v.
Sanchez & Hernandez

The judgment as to defendant Brian Hernandez is modified to include an additional restitution fine of \$1,400, which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to send a corrected abstract of judgment to the Department of Corrections.

The judgment as to defendant Bryan Sanchez is modified to provide that defendant has credit for 356 days of custody, including 310 days of actual custody plus 46 days of conduct credits. The judgment is further modified to include an additional restitution fine of \$1,000, which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified the judgment is affirmed. The clerk of the superior court is directed to send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B130677 In re Briana H. (Not for Publication)
 v.
 D.C.F.S.
 William H.

The order terminating appellant's parental rights is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B126339 People (Not for Publication)
 v.
 Carrasco

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Dau, J. (Assigned)

B130822 People (Not for Publication)
 v.
 Sheets

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

B126873 Anthony Sfounis (Not for Publication)
 v.
 Keith Feder et al.

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

I concur: Godoy Perez, J.
I concur and dissent: Grignon, Acting P.J.

DIVISION SIX

B129780 Potter (Not for Publication)
 v.
 Medtronics, Inc.

We affirm the order denying Potter's motion to set aside the dismissal.
Costs to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B132623 People (Not for Publication)
 v.
 Williams

The judgment is modified to award Williams 20 days of presentence
conduct credit. As modified, the judgment is affirmed. The superior court
clerk is directed to prepare an amended abstract of judgment and to forward
a certified copy to the Department of Corrections.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

December 28, 1999-Continued

DIVISION SIX (Continued)

B131872 Stockdill (Not for Publication)
v.
Johnson

The judgment is affirmed. Stockdill is awarded his costs.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B131522 People (Not for Publication)
v.
Strigari

The judgment is affirmed.

Neal, Acting P.J.

We concur: Johnson, J.
 Woods, J.

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The order under review (order revoking probation) is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.